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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,556	01/22/2001	Terry Paul Drees	01704276	2455

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EXAMINER

SALVATORE, LYNDIA

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/767,556

Applicant(s)

DREES ET AL.

Examiner

Lynda M Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Applicant's amendment and accompanying remarks, Paper No. 11, have been entered. Claims 1,5,6,7, and 14 have been amended and new claims 53-56 have been added. Presently, claims 1-19 and 53-56 are currently pending. Applicant's amendment is found sufficient to overcome the claim objections set forth in section 2 of the last Office Action. Applicant's amendment to claim 6 is found sufficient to overcome the 35 U.S.C. 112 second paragraph rejection set forth in section 3 of the last Office Action. As such these rejections are withdrawn.
2. Applicant's arguments with respect to the 35 U.S.C. 102(b) rejections and 35 U.S.C. 103(a) rejections set forth in sections 5 and 7 of the last Office Action have been fully considered and are moot in view of Applicant's amendment to claims 1 and 14. As such a new grounds rejection is set forth herein below.

#### *Claim Rejections - 35 USC § 102*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1,2, 5 and 53-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Buoniconti et al., US 6,030,705.

The patent issued to Buoniconti et al., teaches a flexible film covering suitable for countertop substrates (Column 1, 14-16). Buoniconti et al., teaches applying the flexible film covering to a variety of countertop substrates including those made from particleboard and high pressure laminates of wood, fiberglass, or synthetic polymers (Column 1, 60-65). In this instance the Examiner considers the countertop substrate analogous to the claimed decorative layer. The flexible film covering comprises a thermoplastic resin film having a layer of pressure sensitive

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adhesive. Buoniconti et al., teaches that the flexible film is made from polycarbonate, however, polyethyleneterephthalate with glycol (PETG) is also suitable (Column 4, 3-6). Buoniconti et al., further teaches that the back surface of the film may be screen printed with graphics to provide a decorative surface (Column 3, 30-35).

With regard to claims 53-56, the method of impregnating the cellulosic material prior, during or after lamination is not given patentable weight at this time since such a method is not germane to the patentability of the laminate article and not shown to materially effect the final product structure.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buoniconti et al., US 6,030,705 as applied to claim 1 above and further in view of Min, US 6,093,473.

Buoniconit et al., fails to teach the a low pressure of continuous laminate as the countertop substrate, however, Min teaches an abrasion resistant laminate comprising a multi-layer wear resistant top layer, a decorative layer, a core layer, and a polymeric substrate base layer (Abstract). Min teaches that the laminate may be assembled using either a high or low-pressure technique (Column 3, lines 34-52). In addition, Min teaches producing the decorative laminate using a continuous laminate press (example 2, Column 10, lines 20-34).

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Therefore, motivated by the desire to provide a variety of suitable decorative laminates it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Min and assemble the countertop substrate Buoniconti et al.

***Allowable Subject Matter***

7. Claims 6-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Specifically, the prior art of record fails to teach a core layer further comprising a woven or non-woven layer, two PETG sheets, or an abrasive overlay. An updated art search produced no new substantial art for which to base a rejection and presently there is no motivation to combine references to form an obvious type rejection.

8. Claims 14-19 are allowed over the prior art of record. Specifically, the prior art of Buoniconti et al., and Min fail to teach a decorative laminate comprising a wear resistant layer comprising a thermosetting resin impregnated cellulosic material, a decorative layer comprising a thermosetting resin impregnated cellulosic material, and core layer of PETG. An updated art search produced no new substantial art for which to base a rejection and presently there is no motivation to combine references to form an obvious type rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ls  
June 30, 2003

  
TERREL MORRIS  
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